

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

0 Valuation of Security 0 Assumption of Executory Contract or Unexpired Lease 0 Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re: Case No.: 19-29610
THEODORE H. SMITH Judge: JNP
Debtor(s)

Chapter 13 Plan and Motions

☐ Original ☒ Modified/Notice Required Date: November 14, 2019
☐ Motions Included ☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: RSH Initial Debtor: THS Initial Co-Debtor:

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 500.00 per month to the Chapter 13 Trustee, starting on November 1, 2019 for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☒ Loan modification with respect to mortgage encumbering property:

Description: 399 Meadowcroft Road, West Deptford, NJ 08096

Proposed date for completion: 4/1/2020

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection ☐ NONE

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ 1,540.74 to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: Wells Fargo Home Mortgage (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$ 4,485.00
DOMESTIC SUPPORT OBLIGATION		
Internal Revenue Service	Priority - Taxes	\$23,747.46

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

Part 4: Secured Claims**a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ **NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ **NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

f. Secured Claims Unaffected by the Plan ☐ **NONE**

The following secured claims are unaffected by the Plan:

U.S. Department of Housing & Urban Development has a subordinate mortgage on Debtor's residence that does not require monthly payments.

g. Secured Claims to be Paid in Full Through the Plan: ☒ **NONE**

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims ☐ **NONE**

a. Not separately classified allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ _____ to be distributed *pro rata*

☐ Not less than _____ percent

☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

Part 7: Motions ☒ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☐ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☐ **NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☐ **NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☐ Upon confirmation
- ☒ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Administrative Expenses
- 3) Priority Claims
- 4) Unsecured Claims

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☐ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: October 16, 2019.

Explain below **why** the plan is being modified:

U.S. Department of Housing & Urban Development has a subordinate mortgage on Debtor's residence that does not require monthly payments.

Explain below **how** the plan is being modified:

Part 4(f) - reflect that the U.S. Department of Housing & Urban Development is not affected by the Plan and does not require any monthly payments be made.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: November 14, 2019

/s/ Theodore E. Smith
Debtor

Date: _____

Joint Debtor

Date: November 14, 2019

/s/ Richard S. Hoffman, Jr.
Attorney for Debtor(s)

United States Bankruptcy Court
District of New Jersey

In re:
Theodore H. Smith
Debtor

Case No. 19-29610-JNP
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
Form ID: pdf901

Page 1 of 2
Total Noticed: 45

Date Rcvd: Nov 15, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 17, 2019.

db +Theodore H. Smith, 399 Meadowcroft Road, West Deptford, NJ 08096-4007
cr +WELLS FARGO BANK, N.A., Phelan Hallinan & Schmieg, PC, 1617 JFK Boulevard, Suite 1400, Philadelphia, PA 19103-1814
518515916 +American Trading Co., 19 Mocrolab Road, Suite C, Livingston, NJ 07039-1632
518515917 +Apex Asset Mgmt, 2501 Oregon Pike, Suite 120, Lancaster, PA 17601-4890
518515918 +Billows Electric Supply Co., Inc., 1813 Underwood Blvd., Delran, NJ 08075-1232
518515919 +Bradford Exchange Online, Attn: Universal Fidelity, LP, PO Box 941911, Houston, TX 77094-8911
518515922 CBE Group, PO Box 2217, Waterloo, IA 50704-2217
518515924 Commercial Check Control, 101 N. Orange Avenue, Suite F, West Covina, CA 91790-2087
518515926 +Cooper University Health Care, PO Box 2090, Morrisville, NC 27560-2090
518515928 Credit Management, PO Box 118288, Carrollton, TX 75011-8288
518515930 FirstCredit, Inc., PO Box 630838, Cincinnati, OH 45263-0838
518515931 +Gary M. Perkiss, Esquire, One Greentree Centre, 10000 Lincoln Drive East, Suite 201, NJ 08053-3105
518519545 +Gary M. Perkiss, Esquire, Gary M. Perkiss, P.C., Noble Plaza, 801 Old York Road, Suite 313, Jenkintown, PA 19046-1611
518515934 +Lenox, Socey, Formidoni, Giordano,, Cooley, Lang & Casey, LLC, PO Box 6448, 136 Franklin Corner Road, 2nd Floor, Lawrence Township, NJ 08648-2586
518515935 Lourdes Health System, PO Box 822099, Philadelphia, PA 19182-2099
518515937 Miraca Life Sciences, PO Box 844117, Dallas, TX 75284-4117
518515938 +Optimum Outcomes, PO Box 58015, Raleigh, NC 27658-8015
518517537 +Orion, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
518515939 +Phelan Hallinan Diamond & Jones PC, 400 Fellowship Road, Suite 100, Mount Laurel, NJ 08054-3437
518515940 +ProCo, PO Box 2462, Aston, PA 19014-0462
518515941 Quality Asset Recovery, LLC, PO Box 239, Gibbsboro, NJ 08026-0239
518515942 Quest Diagnostics, PO Box 740775, Cincinnati, OH 45274-0775
518515943 Remex, Inc., 307 Wall Street, Princeton, NJ 08540-1515
518515945 +South Jersey Endoscopy Center, 26 E. Red Bank Avenue, Woodbury, NJ 08096-1611
518515946 +South Jersey Radiology Associates, PO Box 1710, Voorhees, NJ 08043-7710
518515947 Trident Asset Management, 10375 Old Alabama Road, Suite 303, Alpharetta, GA 30022
518538352 +US Department of HUD, Jacob K. Javits Bldg, 26 Federal Plaza Ste 3541, New York NY 10278-0004
518515948 +Virtua Health, 2000 Crawford Place Suite 100, Mount Laurel, NJ 08054-3920
518566461 Wells Fargo Bank, N.A., Default Document Processing, MAC# N9286-01Y, 1000 Blue Gentian Road, Eagan MN 55121-7700
518515949 +Wells Fargo Home Mortgage, PO Box 10335, Des Moines, IA 50306-0335
518515950 +West Jersey Anesthesia Associates, 1000 White Horse Road, Suite 204, Voorhees, NJ 08043-4408

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Nov 16 2019 01:25:57 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Nov 16 2019 01:25:53 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
518515915 +E-mail/Text: bkprpt@retrievalmasters.com Nov 16 2019 01:25:52 American Medical Collection Agency, 4 Westchester Plaza, Suite 110, Elmsford, NY 10523-1615
518515920 E-mail/Text: info@chcollects.com Nov 16 2019 01:27:25 C&H Collection Services Inc., PO Box 1399, Merchantville, NJ 08109-0399
518515921 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Nov 16 2019 01:36:14 Capital One Bank, PO Box 30285, Salt Lake City, UT 84130-0285
518564079 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Nov 16 2019 01:36:32 Capital One Bank (USA), N.A., 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
518564078 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Nov 16 2019 01:36:32 Capital One N.A., 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
518515923 E-mail/Text: documentfiling@lciinc.com Nov 16 2019 01:24:55 Comcast, PO Box 3002, Southeastern, PA 19398-3002
518515925 E-mail/Text: tuscolsup@fisglobal.com Nov 16 2019 01:27:04 Complete Payment Recovery Svcs, PO Box 038997, Tuscaloosa, AL 35403-8997
518515927 +E-mail/Text: bankruptcy_notifications@ccsusa.com Nov 16 2019 01:27:19 Credit Collection Services, 725 Canton Street, Norwood, MA 02062-2679
518515929 E-mail/PDF: creditonebknofications@resurgent.com Nov 16 2019 01:34:49 Credit One Bank, PO Box 98873, Las Vegas, NV 89193-8873
518515932 E-mail/Text: cio.bncmail@irs.gov Nov 16 2019 01:25:24 Internal Revenue Service, PO Box 7346, Philadelphia, PA 19101-7346
518515936 E-mail/Text: camanagement@mtb.com Nov 16 2019 01:25:37 M&T Bank, PO Box 900, Millsboro, DE 19966
518515944 E-mail/Text: bankruptcy@savit.com Nov 16 2019 01:27:23 Savit Collection Agency, PO Box 250, East Brunswick, NJ 08816-0250

TOTAL: 14

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr* +Billows Electric Supply Company, 1813 Underwood Boulevard, Delran, NJ 08075-1232
518515933 ##+John Lee Jackson, Esquire, Universal Fidelity, LP, 16325 Westheimer Road,
Houston, TX 77082-1233

TOTALS: 0, * 1, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 17, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 14, 2019 at the address(es) listed below:

Gary M. Perkiss on behalf of Creditor Billows Electric Supply Company gperkiss@perkiss.com
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Nicholas V. Rogers on behalf of Creditor WELLS FARGO BANK, N.A. nj.bkecf@fedphe.com
Richard S. Hoffman, Jr. on behalf of Debtor Theodore H. Smith rshoffman@hoffmandimuzio.com,
lmcevoy@hoffmandimuzio.com;jslachetka@hoffmandimuzio.com;hoffmanrr81909@notify.bestcase.com
Robert Davidow on behalf of Creditor WELLS FARGO BANK, N.A. nj.bkecf@fedphe.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 6